

CASE STUDY COMMONERS AS ENCLOSERS: LAND TENURE AND CONFLICTING CLAIMS IN A MUMBAI KOLIWADA

Shweta Wagh – 2017



Funded by the
Erasmus+ Programme
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ABSTRACT

The paper attempts to examine the link between occupational change and transformation of land tenure in a *Koliwada* (urban fishing village) in Mumbai. Koliwadadas are heterogeneous settlements, with mixed ethnicities and livelihoods, diverse physical settings and conditions and varied systems of land tenure and customary rights. This paper argues that behind the aggressive mobilization of ethnic identities and consequent conflicts between communities in urban fishing villages lie conflicting claims over the control and use of urban land. It argues that binaries adopted by planning and development discourse such as formal / informal, authorized / unauthorized, indigenous / migrant, and Koliwada / slum are inadequate to understand the complex intra and inter-community dynamics of these hybrid and accretive settlements. The paper will highlight micro-spatial transformations, where a decline in the primary occupation of fishing are behind the attempts of ethnic fishers to commodify the traditional commons – with the expectation of gains through changes in land use and displacement of traditional rights to land. ♦

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“ This paper argues that behind the aggressive mobilization of ethnic identities and consequent conflicts between communities in urban fishing villages lie conflicting claims over the control and use of urban land. ”

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PART 1 INTRODUCTION

From Commons to Individual Property Rights

“For a Koliwada to be referred to as a zopadpatti [slum] is an insult to our community. At any moment they can come to demolish our homes, destroy our villages, and pack us into high-rise buildings that stick to each other like vertical slums. The SRA [Slum Rehabilitation Authority] is a fraud and this is a conspiracy to take over our lands. Our villages have grown over time, and just like in rural areas we demand Gaothan Vistaar [Gaothan Expansion Scheme]. We have to get our lands measured, our houses located on maps, and our village boundaries demarcated... We need an implementation of the historic Kulkayda¹ [Land to the Tiller Act] to ensure that land is returned to its rightful owners. We demand saatbara [document recording land rights] for our houses which have expanded on vacant or collector lands adjoining our villages.”²

This is an excerpt from a speech delivered in a suburban fishing village (or *Koliwada*), by a *Koli* leader addressing a crowd of at least a thousand *Kolis* from villages across the city. The threat of being labeled as a ‘slum’³ has often been used by members of the

Koli leadership to create a sense of apprehension and urgency aimed towards mobilizing the community around issues related to land. Interestingly in the speech he raises two different demands. The first, which is centered around the issue of boundary demarcation of *Koliwad*as, finds its basis in the Coastal Regulation Zone (CRZ) 2011 Notification, which requires that *Koliwad*as in Mumbai are designated and demarcated as CRZ III⁴ areas in Coastal Zone Management Plans (CZMP’s) in order to ensure the protection of coastal livelihoods, customary rights and traditional commons of the fisher community. The second demand, a claim over for individual property rights, is a more recent demand that the *Koli* leadership has been articulating. The first demand for protective zoning through boundary demarcation of *Koliwad*as which was introduced with the clear mandate of safeguarding coastal commons seems to be in contradiction with the second, which, due to the shift in focus towards land titling and individual property rights, will result in the privatization of the village commons.

This paper will try to investigate how this contradiction came about. It asks the following question: how is it that a community, historically dependent on its traditional livelihood related commons – which has consistently struggled and fought for the rights for the use and control over its commons – now demands property rights, which will result in their enclosure?

1 In order to abolish the intermediaries who collected taxes from the peasants on behalf of the government or through the subletting of land, a policy was framed in the 1950’s which gave ‘Land to the tillers.’ Section 32 of the Bombay Tenancy and Agricultural Lands Act, 1948 provides compulsory transfer of ownership rights of tenanted lands to the tenants from 1st April 1957 which is known as tillers day.
2 The 7/12 extract is an extract from the land register of any district, maintained by the revenue department of the state government of Maharashtra, popularly known as the “saat bara utara.” The document introduced in the early 20th century is a record of land rights of agricultural land holdings in a village and contains details such as survey number, area, date from which the current owners name was registered and is also a record of all the activities that are carried out on that land.
3 According to the Slum Areas (Improvement and Clearance) Act, 1956 the term ‘slum’ was used to refer to an underserved area considered to be unfit for human habitation due to dilapidation, overcrowding, poor design, lack of ventilation, light, sanitation etc. However the meaning of the term has shifted from settlement condition to legality or tenure and it is often used to refer exclusively to squatter settlements (Indorewala et.al. 2017).

4 As a result of the nationwide agitations by the fisher community in response to the draft CRZ 2011 Notification, which had opened up CRZ II areas in Mumbai for the redevelopment of cessed (dilapidated) buildings and for slum rehabilitation schemes (SRS), the final Notification extended some protection to fishing villages. As per the Notification *Koliwad*as or fishing villages were required to be mapped and designated as CRZ III areas where the construction or reconstruction of village houses would be permissible.

The contradictory nature of demands expressed during the Koli meeting are in fact a reflection of contradictions and conflicts that have emerged due to complex socio-spatial realities within these villages, that have increasingly been faced with development pressures. The tension between the demand for private property rights on one hand and the demands to protect the livelihood commons of the community on the other has its roots in subtle shifts in occupational patterns and changes in the nature of social relations within many of these settlements. These changes have in turn have led to different ways of thinking about the commons. Over the years as people have moved on to other forms of livelihood, the use of common land in some of these villages has also slowly transformed and there have been several attempts to privatize or commodify village or community land. In this case, it seems that the phenomenon of ‘enclosure of the commons’ is not simply, as many commentators believe, an outcome of an external forces such as state coercion or market-led dispossession. Instead, I argue that commodification often also takes place from the bottom-up, or from within the community, through facilitation by local actors, often individuals or groups in the villages. This form of enclosure usually manifests in the form of piecemeal incremental or gradual processes of replacement of traditional social relations on the commons with new uses, mediated through the commercial or exchange value of land.

The key objective of this study is to understand and analyze the various factors responsible for the commodification of the commons that are observed in several of Mumbai's Urban fishing villages. It documents attempts made by ethnic fishers to enclose common lands- with the expectation of gains through changes in land use and displacement of traditional rights to land.

A significant number of active or artisanal fishers – who depend on the use of commons for their livelihoods – inhabit and practice in villages affected

by these speculative trends. The second objective of the study, therefore, is to analyze the impacts of commodification on these active fishers as well as other coastal or migrant communities that depend on coastal commoning.

There is a rich body of literature on the commons. Here, I will first discuss the ‘commons’ as a social arrangement involving shared tenure/property regimes, and the various ways by which its relation with the market and the State have been explored. In the second part I attempt to provide a historical overview of the commons, customary rights and the transformation of land tenure in Mumbai, with a specific focus on understanding systems of land tenure and land rights in urban villages (Koliwadadas are one of three kinds of urban villages found in Mumbai). I then analyze how factors such as tenure diversity, occupational change, and multiple ethnicities have led to the emergence of complex and hybrid situations in Mumbai's Koliwadadas, and how attempts to define or categorize these settlements that fail to pay attention to land are fraught with difficulties. This is then followed by a detailed ethnographic account of one Koliwada in Mumbai – Versova – to illustrate the dynamics of micro-spatial transformation in the settlement. ♦

PART 2 COMMONS AND COMMONING

Figure 1

Coastal commons in urban villages or *Koliwad*as. Image shows fish drying areas (left) and net mending (right)



Commons as *Tenure*

One strand of the literature on the commons conceives it as a category of tenure arrangements, distinct from state or market based ones, each with its own specific bundle of rights and obligations. Another strand constructs the notion of 'commoning' as a verb, a socio-political practice, with an emphasis on the often radical or revolutionary possibilities of the concept as an alternative to state-capitalist social relations. Included in the first strand is the discussion of pre-urban, non-capitalist or customary tenure arrangements where private property systems do not constitute the norm. Ghertner for instance, argues that contexts in the Global South have property and planning systems, legal frameworks, and histories of land development

significantly different from those in the postindustrial, Euro-American core (Ghertner 2014) that have well-established private property regimes. He hopes that critical urban studies will draw from agrarian studies and non-urban political ecology in order to understand the profound regional variance of agrarian tenure systems and intermediate forms of tenure which have a capacity to foster non-ownership based or non-fully-marketized uses (Ghertner 2015). These, he argues sustain relatively equitable forms of social reproduction through the creation of various opportunities for occupancy and the production of forms or uses of urban space almost unimaginable in privatized land systems.

Source: Author's image.

Similarly, there have been fewer prominent urban studies of tenure diversity, despite the widespread prevalence of intermediate tenure systems in refugee and transit camps, urban villages, squatter settlements, regularized slums, resettlement colonies and unauthorized/illegal subdivisions (Payne 2002; Ghertner 2015). “Enclosure” is a term that has historically been used to describe the privatization and “concomitant elimination of long standing use rights” in areas previously used for subsistence and commoning or other purposes not defined primarily by ground-rent maximization (Ghertner 2015, Goldman 2011). The primary forms of urban displacement in India (as in much of the South) involves, a fundamental transformation of urban space through enclosures and the production of private property (*Ibid*).

In a classic text on the legal conception of private property, Morris Cohen (1927) explained that the essence of private property is the right to exclude others. Property rights ought to be understood not as the relationship between people and things, but as the relationship between people with reference to things (Cohen 1927). Durand Lasserre and Selod (2009) likewise define land tenure as “a *social relation* involving a complex set of rules that govern land use and land ownership” which refers to “the rights individuals and communities have with regard to land, namely the right to occupy, to use, to develop, to inherit and to transfer land.” To Schlager and Ostrom (1992), property is to be understood as a *social relation* that defines a “bundle of rights and obligations” – ranging from the right to access, the right to use or extract resources, the right to manage or transform, the right to exclude or define who will have access rights and finally the right to alienate through sale or lease (Schlager and Ostrom, 1992). Most of the land tenure or property systems that are classified as “common property” regimes⁵ involve

5 Durand Lasserre and Selod (2009) draw a distinction between public land (land under the domain of governments), private land (land owned by individuals and institutions), and communal or customary-owned land (land under the control of a community).

proprietors who typically have the first four of the above mentioned rights, but not the right of alienation through sale or lease (Schlager and Ostrom, 1992).

Bromley (1992) points out that a fallacy in traditional approaches to the commons has been “a failure to understand the concept of property” and clarifies that for most purposes it is possible to consider four possible resource regimes: (1) state property regimes; (2) individual property regimes; (3) common property regimes and (4) non-property regimes (open access). Common property, in other words, has something in common with private (individual) property – namely, the exclusion of non-owners. Common property is not incompatible with private or individual use of one or another segment of the property, which may be allocated to various individuals or families. However, in contrast to state or individual property regimes, common property constitutes use rights only and users are unable to alienate or to transfer either the use or ownership of the land to others.

Much of the literature on the commons and common property resources compares common property with private property regimes and includes arguments both for and against the commons. Garrett Hardin (1968) in his widely quoted article “The Tragedy of the Commons.” argued that when there are no limits on use, it is rational for each individual within a group to look after his or her own self-interest opposed to collective interest and maximize his/her gains and would thereby lead to unfettered consumption and the depletion or exhaustion of the shared resource. He thus attempted to make “an irrefutable argument for the superior efficiency of private property rights” and advocated for social arrangements based on mutual coercion that would work to prevent this tragedy. Contrary to this view, Elinor Ostrom (1990) in her book “Governing the Commons” illustrates with numerous examples how “individuals can and often do devise ingenious and eminently sensible collective ways to manage com-

mon property resources for individual and collective benefit” (Harvey 2012). Hardin (1968) and Bromley (1992) notice that the essence of any property regime is an authority system with a shared structure of rights and duties which prevents misuse. Kumar *et.al* (2014), for instance, describe in their essay on the coastal commons in Chennai, how fisherfolk panchayats have regulated the use of and governed the customary commons. These non-secular institutions, they argue, are integral to the survival of the commons. Contrary to any inherent inefficiency of commoning as is suggested by Hardin, it is often the breakdown of the fabric of these community institutions that is often responsible for the erosion of the commons (Kumar *et.al* 2014).

Commoning as Practice

Linebaugh (2008: 279) argues that rather than conceiving the commons as a territory, a space or a thing, one should speak of commoning as a verb referring to an *activity* or *practice*. Commoners, he argues, “think first of not title deeds but of human deeds” (Ibid). Commoning is collective and embedded in labour process and is “independent of the temporality of the law and State” (Ibid). Commoning as a verb thus involves “a web of social relations” and fosters different ways of relating to others, of valuing and sharing the world (Patel 2009: 97). In similar vein, Dellenbaugh *et al.* (2015: 13-14) suggest that commoning involves three things: (1) a part of the environment which is a common pool resource, understood as a non-commodified way of fulfilling people’s needs; (2) communities who create and sustain these resources, and (3) the social processes that create and reproduce the commons. The notion of the commons “thus stands opposed to the notion of commodity” and the pre-requisite is that social relations are collective, democratic as well as non-commodified, off-limits to the logic of market exchange and valuation (Harvey 2012).

Taking Linebaugh’s argument further, De Angelis draws a clear distinction between commons and

commoning. According to him, while the commons represent a set of property relationships, commoning is a “form of life,” a different way of being, which gives commoners the autonomy and the ability to meet basic subsistence needs (De Angelis 2010). He insists that since commoners take their life into their own hands through the process of commoning, these rights are not granted, handed down or given to them by a superior authority. Unlike the idea of “welfare” as something that is distributed and controlled by the state, and can thus be taken away, the state can simply *confirm* the rights to the commons, since these rights have already been claimed (Linebaugh 2008, De Angelis 2009). Sometimes, commoning also provides the material basis for mass defiance of the law and for spatial and political insurgencies, and this calls for the integration of the concept into anti-capitalist struggles in the city (Harvey 2012).

These perspectives can be contrasted with a view that conflates the commons with landscapes of deprivation in the neo-liberal city where millions of people manage to find a precarious subsistence. For instance, in their essay on the “urban commons”, Baviskar and Gidwani (2011) refer to urban garbage dumps and landfill sites for waste-pickers as commons, and argue that these occupy the interstices of the law, and “thrive and survive by dancing in and out of the State’s gaze.” To them, the visibility of the commons makes them vulnerable, “because notice invariably brings with it the desire to transform commons into state property or capitalist commodity.” This view relegates the commons to the realm of the informal and non-legal. Furthermore, many of the landscapes to which they refer could be more accurately described as open access resources rather than common property regimes (Bromley 1992). Furthermore, such a view underplays the role of political and economic structures that have created many of these landscapes of exclusion, which stand in stark contrast to the very principle of commoning (Pithouse 2014).

The case of Mumbai's urban fishing villages belies this notion of the commons as evasive landscapes of subsistence. In Gillian Tindal's (1992) historical account of Colonial Bombay, *The City of Gold*, she refers to Koli villages as "remnants of the past that [go] on existing, with huts of woven matting, bright sailed boats, in a stench of aging fish" surrounded by and towered over by "large glass blocks of modern development" and "pursuing a way of life tenaciously without reference to other ways of life being just as tenaciously pursued around them." What really defines the coastal community is the historical relationship it has to the foreshore areas and coastal waters, and the social arrangements that entail ways in which land and water resources are these are used, apportioned, shared and sustained. The coast could be conceptualized as the *interrelationship* between social and natural processes with the foreshore and shallow waters comprising of three types of commons, the terrestrial commons, the intertidal commons and the marine commons (Wagh et al 2019). The artisanal fisher community in Mumbai shares the coastal area as a nested commons with traditional institutions to manage them. Customary rights over the coastal commons do not necessarily appear in the form of written records or documents (although these do exist in some cases) but are often determined based on a mutual understanding or agreement between local institutions, adjacent fishing villages or members within each fishing village (ibid 2019). There are various examples of customary tenure systems (commons as tenure) with certain parts of the shore (land), foreshore and near-shore areas being held in usufruct and apportioned exclusively to certain villages, families or individuals to use for livelihood activities. On the other hand even areas that are not apportioned, may often be used by the community for fishing related activity and once sees various practices of commoning (commoning

in use) through the shared use of coastal lands and waters although these may be either under state control or private ownership. The Kolis thus have customary rights to access, use or extract resources, manage or transform and in some cases the right to exclude others from the using these commons but do not have the right to alienate through sale or lease.

The livelihood commons of the fisher community, therefore, far from being invisible, have always been firmly under the "gaze" of state bureaucracies and private enterprise, and have always been faced with the threat of commodification (Wagh 2018). Their enclosure has been resisted by the organized assertions and actions of coastal communities, who have made multiple claims on customary commons, and won entitlements and protections over time (Ibid). Although the State does not *explicitly* recognize the commons, the existence of non-commodified livelihood practices in coastal areas are implicitly acknowledged through various laws and regulations. De-facto use rights and customary tenure on public lands are often recognized by the state through lease agreements or rental arrangements from traditional users or occupants of coastal lands. Thus, although the commons are independent of the state and the market, their survival may require collective forms of management, sometimes through the instrumentality of the state. There is also a growing literature that documents common property regimes which continue to thrive after having been given proper external legitimacy by the State (Bromley 1992). On the other hand common property regimes are often held in low esteem by the state and external threats to these common property regimes may not receive the same response as private property regimes, where the owner often relies upon the authority or "coercive power of the State to prevent intrusion by non-owners" (Bromley 1992). ♦

PART 3 LAND TENURE, LIVELIHOOD AND ETHNICITY IN MUMBAI'S KOLIWADAS

Various factors such as tenure diversity, occupational change and multiple ethnicities have led to the emergence of complex and hybrid situations in Mumbai's Koliwad. In the city's colonial history land control was based on "shared interests that were predominantly co-terminus" with a complex system of tenures and taxation dating back to the pre-colonial and early-colonial (Portuguese) period⁶ (Dossal 2010:xxx). There were also several instances of commoning with pre-urban or indigenous communities⁷ engaged in different kinds of primary occupations such as fishing, salt making, toddy tapping, cultivation, horticulture hunting or gathering for their sustenance and the existence of customary practices and various forms of traditional land tenure systems.⁸ The British government made systematic and concerted efforts to dismantle previous agrarian or feudal land tenure systems and to impose a uniform system of land tenure based on private property in order to create a stable land market (Dossal 2010: xxx). Control over land was

gradually achieved using several different measures⁹ such as revenue surveys and taxation, the imposition of regulations or through the reclamation and urbanization of land (Wagh 2018). These efforts resulted in the enclosure and appropriation of traditional commons or shared resources, and their conversion into either state or freehold property with individual or clear land titles. The Census of 1872 based on the Laughton's¹⁰ survey which classified all land in Bombay Island as government land significantly empowered the State putting an end to the controversy over who owned land in Bombay (Dossal 1995) but existing customs and systems of tenure and rental relationships which were in practice prior to the survey continued to endure even after the government declaration.¹¹ According to Nainan (2012) there were similar tenure practices in the sub-urbs and while the "British were more concerned with

6 The Gazetteer of Bombay records various systems of land tenure practices prevalent in the pre-independence period such as Fazandari, Toka and Inami, some of which were "carried over from earlier ruling regimes" (Nainan 2012).

7 The Kolis are fishermen, the Bhandaris toddy tappers, the Agris salt pan workers, Kunbis are farmers while the Adivasis were predominantly hunter gatherers.

8 Communities often claimed to have certain use rights to land or the limited right to harvest, produce or extract certain resources from land.

9 The East India Company undertook measures to declare all sales and transactions of land in the past as illegal and undertook revenue surveys which facilitated a thorough investigation of all land records in the city. This enabled taxation on land as well as taxation for specific uses that took place on that land thus generating revenue for the state and also allowing the state to control the use of land. For Bombay town and Island two important and detailed land revenue surveys were undertaken during the course of the 19th century: the Dickenson's survey in 1812 and the Laughton survey in 1872 (Dossal1995). Another way to control use of land was through the imposition of rules, regulations and legislations which made only certain uses legitimate. Yet another way of establishing control was through the urbanization of land. There were systematic and concerted efforts made by the colonial government to convert different types of open, agricultural or "waste land" (uncultivated land) into valuable and expensive urban property (Dossal 2010: xxx). The 1894 land acquisition act facilitated the acquisition of land for public purposes and despite resistance from various individuals and communities, the Bombay Improvement Trust in the early 1900's acquired and enclosed large tracts of natural, agrarian, village or common lands for the construction of Suburban housing and urban infrastructure.

10 The many changes to Bombay's topography during the mid 19th century rendered Dickenson's survey inadequate to serve its purpose, generating the need for an updated survey. The Laughton's land revenue survey programed for the whole of Bombay Presidency was clearly a coordinated program of the State. It recorded nine different land tenures which still existed on Bombay Island at the time and Laughton, clearly satisfied with the work termed it "the most complete survey of the whole island in every detail" (Dossal 1995).

11 As Dossal (1995) points out "encroachments would continue, the government would constantly fear the hidden transfers and unknown transactions taking place without its consent or payment of dues, but the revenue surveys by both Laughton and Dickenson had significantly empowered the state and put it on a firmer footing in its dealings with Bombay's inhabitants"

the Island city,” the tenure regime instituted by the Indian Government with Bombay's first development plan “was interested in governing all lands in the city.” Legal enactments converted all land including ecological or resource commons and agrarian landscapes that were not privately owned into state property.¹² But these consistent attempts to bring differing land tenures and practices under one system was met with little success and multiple tenure systems continued to co-exist even post-independence, making the exercise of eminent domain by the state very difficult leading to a situation which Nainan (2012) describes as “a dual system of land tenure.” Existing commoning practices continued to persist on lands whose ownership had now been transferred to the State.¹³ Post-Independence protectionist policies - perhaps inadvertently allowed some of these uses and activities to persist as a result of either landuse zoning, planning regulations or legal instruments.¹⁴

Records of earlier settlements of Bombay speak of Koli villages in all the seven islands of Bombay. Despite the seasonal, fluctuating and ephemeral nature of their occupation, the Kolis since early days were a settled tribe in the islands, and were known to have had “landed estates.”¹⁵ Commoning of land and resources formed an essential component of the livelihood of fishing with foreshore areas and large expanses of open space within and around fishing villages being were used for various activi-

ties ancillary to fishing.¹⁶ Traditionally there were different kinds of commoning practices observed in Koliwadadas and different ways in which land (and water) was used. Similarly land tenure in was highly variable and differed from one village to another. This varied according to the geographical location, historical context of the settlement¹⁷ and the ethnic background occupational or social status of communities that resided there. Today a diversity of tenures are still found to exist in these villages which range from individual or private property rights to common property rights or limited rights of usage.

As mentioned earlier *Koliwadadas* are one of three types of urban villages, the other two being *gaothans*¹⁸ and *adivasipadas*.¹⁹ However, the term *gaothan* is often also used as a general category to mean all three kinds of urban villages. Urban villages or *gaothans* are inhabited by various communities such as the East Indian Christians, the *Agris*, and the *Bhandaris*. Sometimes, a part of a *gaothan* that is inhabited by *Kolis* is referred to as a *Koliwada*. Therefore, while a *Koliwada* colloquially suggests a settlement of the *Kolis*, in spatial terms these settlements are rarely, if ever, distinct. While *Koliwadadas* are preurban settlements that were inhabited by indigenous communities, almost every such village in Mumbai today has seen multiple or successive layers of occupation, with either transient workers or permanent settlers inhabiting the villages or very often common lands adjoining the villages. It is also not unusual to find other communities in the village apart from the *Kolis* engage in fishing related or allied activities. Thus *Koliwadadas* usually have a mixed community structure, and one sees the simultaneous coexistence of different kinds of tenure systems

12 Land ownership in Mumbai is now split equally between government and private land owners (Parthasarathy 2011, Nainan 2012)

13 In some cases there are documents or government resolutions which acknowledge the existence of customary uses of the fisher community on Government owned lands. In Worli Koliwada these common lands are referred to as Waras Jameeni, while in Versova they are known as Khalyachya Jameeni.

14 These include reservations for fishing and ancillary activities, or primary activities in the development plan and also development control regulations for Koliwadadas and Gaothans which retained the low rise urban fabric and commoning activities in fishing villages Land use categories such as the No Development Zones (NDZs) in the 1991 development plan which were aimed at restricting urbanization in the relatively undeveloped fringes of the city also in-advertently provided protection to the commons. Apart from this the CRZ, a legal framework, introduced in 1991, which was meant to regulate development in coastal areas safe-guarded not only the coastal environment but also the livelihoods and commoning practices of fisher community.

15 Bhat means landed estate in the Koli dialect. “In Girgaum there existed a place called Mughbat, the landed estate of Munga- a Koli landlord. The Southernmost island of the city, which was also predominantly inhabited by the *Kolis* acquired the name of Kola-bhat or Kolaba, the Koli estate” (Punekar 1959).

16 Lands within or in the proximity of fishing villages have been traditionally used for primary activities, ancillary to the occupation of fishing, these include fish drying, the docking and parking of boats, the mending of nets etc.

17 While most villages are of pre-colonial or pre-urban origin, some villages settled later, or were resettled due to infrastructure projects or the series of reclamations that were carried out for city's growth and expansion.

18 The term ‘Gaothan’ is used to refer to that portion of the land of the village which is ordinarily used for settlement. The term “Gaothan” or “village site” also refers to land included within the site of a village, town or city.

19 Adivasi translates as indigenous inhabitant and pada roughly means hamlet.

and land rights attributed to different communities. Communities that inhabit these villages have differential rights to land or property which often reflect their class or political patronage. For example while the East Indian Christian communities residing in gaothans usually have individual land titles, the adivasis (scheduled tribes) have no property rights. Even among the Koli community land tenures vary from individual property rights, to lease rights, or customary rights over the coastal commons. One also sees various kinds of informal transactions and relations between earlier and newer occupants of Koliwadadas. Multiple co-existing, overlapping uses of land, as well as the non-ownership based tenure arrangements in these areas have kept the value of land low, also inhibiting the formation of formal land and property markets. ♦

PART 4 HYBRID CONDITIONS AND CONTESTATIONS OVER LAND AND COMMONS

Figure 2

Housing for migrant labour and apartment buildings constructed on livelihood commons in Versova fishing village



In 2012 when the Existing Land Use Map for Mumbai was made public for suggestions and objections as part of the new Development Planning process, numerous objections were raised on grounds that fishing villages (or *Koliwad*s) had been erroneously mapped as ‘slums.’ In October 2015, a notice posted by the Slum Rehabilitation Authority (SRA) declared 22 plots spread over 3.74 acres in Worli *Koliwada* a ‘slum’ invoking both shock and outrage among local residents. In recent years *Koliwad*s, or pre-urban fishing settlements in Mumbai, have often been classified or characterized as ‘slums.’ This characterization is generally attributed to their physical appearance or conditions within these settlements which often experience overcrowding or

congestion, inadequate infrastructure and services, and insanitary conditions. But one could argue that this characterization is not based merely on physical condition and may be influenced by various factors which range from condition, ethnicity, and occupation to tenure. As ethnically and occupationally mixed settlements, they tend to be physically diverse and rarely homogeneous internally. They all differ in terms of spatial patterns, physical conditions and systems of land tenure. It seems that although there is a colloquial understanding of what a *Koliwada* is, it lacks technical clarity as a settlement category within the development discourse. So what is a *Koliwada*? Is it based on the ethnicity of its inhabitants (i.e the *Kolis*), the existence of a traditional

Source: Author’s image.

occupation (i.e. fishing), a certain kind of urban form or settlement type (i.e. *gaathan*- settlement area of a village characterized its organic nature and high density low-rise urban fabric) or does it involve a certain kind of tenure which is based on customary rights or access to the commons?

As a result of this ambiguity in the past few years the Koli community in Mumbai has repeatedly engaged with planning authorities to ensure that Koliwadadas are demarcated in local development plans, and more recently in the CZMP for Mumbai. The CRZ 2011 Notification notified Koliwadadas as CRZ III areas and called for the demarcation of Koliwadadas as well as areas reserved for fishing and ancillary activities. The criteria for determining such boundaries by government authorities have not been clearly laid out or defined. The bureaucratic way of understanding what a Koliwada is, is based on land or government records, but in most of the Koliwadadas these boundaries are contested, as Koliwadadas have experienced informal growth and expansion beyond their original or historic boundaries. Despite these difficulties, organizations that represent the interests of the fisher community have been insisting upon the boundary demarcation of their villages. Koliwadadas are usually characterized by a dense low rise urban fabric and the coastal commons used for a variety of fishing related activity but apart from the presence of these activities it is often difficult to draw a clear physical distinction between Koli settlements and other informal settlements which are contiguous with them. In many cases, “slum” dwellers (usually non-Kolis), often considered illegal occupants (often referred to as “encroachers”), have settled on common lands which had more traditional forms of tenure arrangements. In some cases they have informal agreements with the owners or communities who traditionally used or managed those lands. But the term ‘legality’ in a context where formal individual property rights are the norm, delegitimises transactions related to land having traditional, informal or alternative form of

tenure. Besides this Mumbai’s unique market-oriented redevelopment taxonomy consisting of differentiated incentive regimes²⁰ provides additional development rights for redeveloping certain types of settlements. The classification of one settlement type as another is very often a result of seeking advantage in the context of different settlement types being given differentiated entitlements for redevelopment. Hybrid conditions that arise due to heterogeneity/diversity in terms of ethnicity, occupation, tenure determine the morphological character as well as physical conditions within the Koliwada. The complex hybrid nature of these settlements has also resulted in various contestations over categorization of settlements and Koliwadadas have become active sites for this contestation over redevelopment categories.

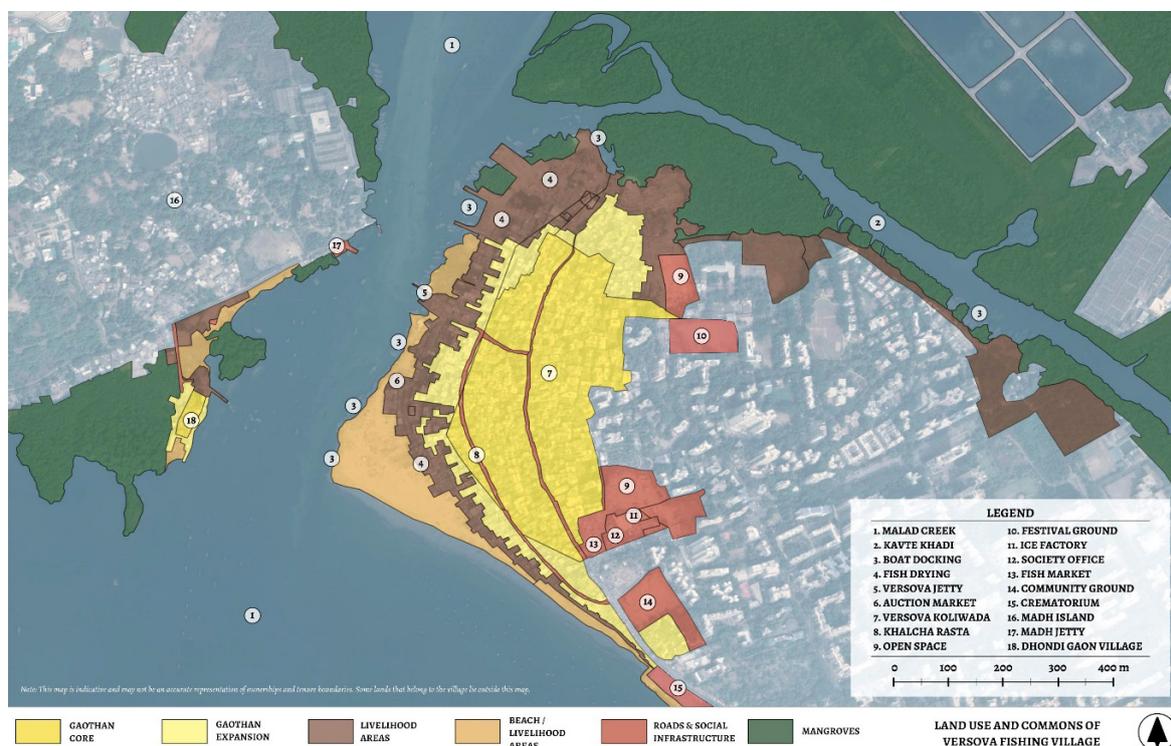
It is generally assumed that the Koliwada is a settlement inhabited by the indigenous fisher community, or the *Kolis*, while the ‘slum’ is inhabited by migrant settlers. In fact, much of this conceptual distinction is reinforced by the identitarianism of the *Koli* community, which often refers to itself as the “sons of the soil” residing in Mumbai “from time immemorial,” and wanting to distance themselves from “outsiders” (migrant settlers). Unfortunately, this simplistic binary, gleaned from political speeches and pamphlets, is reproduced even in academic literature (Chouhan et al 2016, Venkatramani 2017). As a result it is often assumed that these identity-based groups as undifferentiated units have needs

20 In a response to the new policy context of deregulation and privatisation post liberalisation in the 1990’s, slums which were earlier perceived as a problem, which needed to either be fixed or moved out, began to be perceived as new places of urban regeneration (Nainan 2010). Slum Redevelopment schemes introduced in the 1990’s provided possibilities of in-situ rehabilitation to slum dwellers through redevelopment, cross subsidized by the construction of a highly profitable sale component. This was soon followed by numerous other amendments to the Development Control Regulations (DCRs) to accommodate incentive based policies aimed at redevelopment of several other types of old, undervalued or degenerating settlements or housing stock in the city. And so while the basic framework of DCR’s remained “restrictive” in orientation, settlements or older layouts – buildings under rent control, old public housing layouts, textile mill land chawls – that were “targeted” for redevelopment were allowed a much higher intensity of development as an incentive to private developers. This process, having evolved over two decades, has produced a landscape of differentiated opportunities for real estate players, and a development regime which I refer to as a “differentiated incentives regime.”

or demands which make them different from each other, thereby resulting in communitarian conflicts. While the heterogeneous nature of Koliwadhas has been *descriptively* acknowledged, it often seems to be *analytically* overlooked. A closer reading reveals not only the diverse and varied forms of inter-community dynamics that exist between different ethnic groups residing in these areas, but also the complex nature of intra-community dynamics that are prevalent within such settlements - linked to specific local conditions and histories, and varying in relation to their diverse geographies. The paper will attempt to disentangle many of these complexities on ground and show how the formation of interest groups within fishing settlements, and the nature of claims to land, are not based purely on ethnic identities, but are often determined by a combination of factors that range from ethnicity to occupation to tenure. ♦

PART 5 FRAMEWORK/METHODOLOGY FOR THE STUDY

Figure 3
 Land use and commons of and around Versova fishing village



In this paper, therefore, I take up the case of one fishing village in Mumbai, and trace historical as well as contemporary transformations in livelihood patterns and changing relationships with the commons. I aim to map how traditional livelihood patterns and tenure systems within Koliwadās are affected by market driven speculative trends, and transformed through different forms of enclosure. I will also attempt to identify and understand various interest groups that have emerged within the settlement and the nature of conflicts around land.

Here, rather than beginning with the lens of ethnicity or identity, I take land tenure as the starting point for analysis. I argue that an understanding of land tenure systems and their transformation will provide a key to understanding different claims and the complex nature of community dynamics that emerge as a result.

The study primarily involved a qualitative research approach and included an ethnographic study of the Versova fishing village over a period of one year. This

Source: GIS mapping based on Author's surveys, overlaid on Google Earth image.

study has been enriched by an engagement with the fisher community in Mumbai for over seven years, in various capacities as a researcher and advocate. It included interviews with individuals from different communities, elders in the village, active fishers, land owners, local developers, as well as representatives various institutions such as the village trust, the *mandals* (association/society) and the *macchimar sanstha* (fishers association). Data from the field was supplemented by an analysis of archival and secondary data including survey maps, government records, court petitions and official correspondence. There was an attempt to understand the historical evolution and development of the settlement, identify the various communities who have settled here over time, understand the different systems of land tenure within the Koliwada, coastal livelihoods, customary rights and practices of commoning. This was accompanied by an examination of the implications of policy and regulatory frameworks on the settlement and its inhabitants, an analysis of the relationship between different community or interest groups within the Koliwada and the nature of conflicts that have emerged. ♦

PART 6 VERSOVA KOLIWADA: AN ETHNOGRAPHIC ACCOUNT

Versova Koliwada, historically known as *Vesave*, is located in the north western suburbs of Mumbai. An ethnographic study of the Koliwada was earlier carried out by Vijaya Punekar in 1959. In the past two decades the Koliwada has undergone massive transformation in its built fabric, environmental conditions livelihood/commoning practices and community structure. The area of Versova, which even today is referred to as Seven Bungalows, was earlier sparsely populated with agricultural lands interspersed with a few bungalows. Versova Koliwada was the only dense village settlement in the area adjoining the creek, historically comprised predominantly of Kolis but also other coastal communities such as the East Indians and the Muslims.²¹ The East Indians who were originally farmers, used to cultivate agricultural lands surrounding the village. A significant portion of the gaokhan was also occupied by the Muslim community. Apart from the Kolis and other indigenous inhabitants, various migrant communities have also settled in the village over time. This particular Koliwada was selected for the study as it provided a good case to understand the formation of interest groups and conflicts over land tenure. Since livelihood, housing and cultural practices within the Koliwada had earlier been documented in 1959, this provided a good context for a historical understanding of changing conditions and transformations. We could narrate the case of Versova Koliwada as two interconnected stories: the story of fish, and the story of land. ♦

²¹ Different communities often occupy different parts of the village, their location usually based on livelihood patterns or access to resources. The Kolis usually occupied a part of the village which had direct proximity to the sea and foreshore areas.

PART 7 THE STORY OF FISH: DECLINE IN CUSTOMARY USES OF COMMONS

Figure 4

The livelihood commons of Versova fishing village



The decline in traditional livelihoods and artisanal practices

Versova Koliwada consists of a dense conglomeration of houses or dwellings which constitute the gaathan or village settlement area. These were earlier surrounded by agricultural or open lands, many of which have now been developed into apartment buildings. In and around the fishing village the Kolis have been historically engaged in different kinds of artisanal fishing practices²² adapted to the various physical and ecological conditions of the coast. One could also see the customary use of ter-

²² Artisanal fishing is a reference to specific knowledge systems or social arrangements, methods of fishing, nature and size of equipment used, the distance from the coast and the time and manpower invested in attaining catch. Artisanal fishing can be described as a labor intensive, low intensity, passive method in contrast to the technology intensive, high intensity and active method of commercial fishing (Wagh et al 2019).

restrial, marine and intertidal commons for fishing as well as activities ancillary to the occupation of fishing. Artisanal fishing is a highly skilled activity practiced in shallow waters along the coast or in the creek adjoining the village using self-innovated craft and gear combinations (Punekar 1959). According to Punekar (1959) the secondary occupation of creek fishing was earlier a common activity especially for impoverished fishermen who could not afford large boats or labour. It provided them with just enough to sustain their families. She describes the various practices of creek fishing involving small nets (commonly known as *gholve* or *pera*) which were either held by two people or suspended in the creek with the help of bamboo poles (*khunte*). Areas of the creek apportioned to certain families in the village

Source: Author's image.

for creek fishing were therefore referred to as *khuntachya jaaga*. Another technique of creek fishing, which could also be conceived of as a traditional technique of fish farming involved the construction of stone bunds (*dharna*) within the estuary. Small fish was allowed to breed and grow in these small man-made ponds or lakes before being caught by fixing a net at the mouth of the gate (*zadpa*) as the water was released into the creek. Earlier the creek was navigable and wind powered sail boats (*shedachya boti*) were used to travel upstream along the estuary all the way up to fish markets in Chincholi Bunder in Malad or up to Marol in Andheri East where the catch was sold. Today changes in coastal ecology and coastal resources dependent on it have led to the decline of small scale artisanal fishing systems such as creek fishing which depended on in-shore water for their existence. Fishers in Versova recall that up to about 20 years ago a good amount of fish was still present in the creek, but with the continuing destruction of the environment, small fish which was earlier abundantly available is no longer found in the creek adjoining the village. Indiscriminate and unregulated reclamation for the construction of residential, commercial and industrial buildings and the expansion of informal settlements over mangroves in upstream areas of Malad creek, has reduced the width of estuaries that were earlier lined with mangroves and in some cases these have been severely constricted or converted into drains (*nallas*). This has been further exacerbated by the discharge of untreated waste, sewage and contaminated water containing industrial effluents into the creek upstream of the village. The creeks in Versova have silted up and their average depth decreased from 10 fathoms to about 2 fathoms (Salagrama 2012)²³. Upstream navigation is no longer possible and working in sludgy, marshy conditions difficult.

Similarly with the degradation of coastal ecosystems in the shallow seas and intertidal regions adjacent to the village, the artisanal fishers in Versova are being forced to move further from the coast in order to find good catch. According to Punekar (1959), earlier resources were abundant and traditional marine fishing was carried out entirely by fishermen using non-motorised boats and small craft in shallow coastal waters which were their traditional fishing ground (Ibid). Artisanal fishing involves waiting for and *trapping* fish that move in the shallow waters due to tidal, ecological and seasonal variations as opposed to pursuing and *hunting* for fish (Wagh et al 2019). Two such seafaring practices²⁴ still observed in Versova Koliwada are the *dolicha dhanda* and the *dalicha dhanda*. *Dolicha dhanda* involves dolnets or bagnets which are conical nets tied and suspended in the water between bamboo poles that demarcate rectangular areas of the sea that have been apportioned to individuals or families within the village. These apportioned areas are marine commons also known as *saj* or *kavi*. These boats bring in small fish such as *jawla*, *bombil* and *mandeli*. Individuals or families in the village who were traditionally engaged in dol-net fishing were also allotted fish drying areas lining the beach known as *khalyachya jameeni* for drying fish. Small fish such as *jawla* (Prawn) and *bombil* (Bombay duck) were then cleaned and spread out on the fish drying areas or suspended to dry on traditional bamboo structures (locally known as *mandav*). Over time many of the traditional dol-net fishers have now shifted to larger medium sized or mechanised boats. The second type of practice artisanal fishing practice observed in Versova is called the *dalicha dhanda* or gillnetting. In this case multiple nets tied together and suspended in the water, and fish that try to swim through get entangled in these by their gills. Gill nets may either be floating (*tartichi jaali*) or submerged and fixed to

23 Creeks in Versova “are referred to by one expert to be ‘One step ahead of being dead,’ the vegetation and fisheries are dead in any case and the creeks now pose serious health hazards as well” (Salagrama 2012).

24 Apart from seafaring the Kolis earlier used several other techniques of fishing. *Rapan* or rapooning was a common form of marine fishing involving a sophisticated technique in which large nets tied to bamboo poles were cast into the sea and then collectively dragged to the shore by groups of fishermen (Punekar 1959).

the seabed (*budichi jaali*). The type of fish caught in these boats include *surmai*, *halwa*, *hupa*, *pala* and *curly*. About 300 or so artisanal fishers in Versova still operate small non mechanized craft, practice *dali* fishing or gill net fishing. They are daily or subsistence fishers.²⁵ They fish close the shoreline, but due to reduction in fish catch near the mouth of the creek, they now have to take their boats a little beyond Madh fort or southwards all the way towards Ranbadevi temple. They generally anchor their small boats on the natural slope of the beach.

Environmental and economic implications of Policies which led to the commercialization of the fisheries sector in the 1960's affected the livelihoods of artisanal fishers who then themselves transformed to commercial trawlers (Chouhan et al 2016).

Although several Kolis in Versova still continue to practice traditional or artisanal forms of fishing, over the years the number of trawlers in Versova has significantly increased.²⁶ As compared to the small or medium sized boats used for artisanal dol net or gill net fishing which return to shore daily or once in 4-5 days, trawlers are larger mechanized and commercial fishing boats that navigate the deeper seas and return to the shore once in every 15-25 days and procure larger quantities of fish-catch that is sold in local markets. The decline in fish catch in near-shore waters necessitates shifting fishing operations deeper waters which “in turn necessitates big investments, capital and operating costs” (Salagrama 2012). Today the number of trawlers in Versova far outnumber the artisanal craft. Trawlers include fishing equipment which scrapes the ocean floor and destroys marine vegetation that is conducive to fish breeding.²⁷ The use of purse seine nets

also results in the destruction of juvenile fish and the wastage of fish catch, reducing the availability of fish over time. Kolis in Versova village who still continue to rely on traditional *dol* netting or gill netting practices complain that trawling is destructive to the productivity of coastal and marine ecosystems and traditional fishing practices. The beach space on the seaward side of the village is used as a common for the docking and parking of boats. While the medium sized boats used by the dol-netters as well as the trawlers require a greater depth of water and therefore a *bunder* to dock their boats, small boats used by the gillnetters require the smooth gradient of the beach. A stone *bunder* has been constructed south of Versova jetty to harbor larger boats. With an increase in the number of medium or large vessels the *bunder* is now being extended southwards leading to an increasing competition for beach space for docking and the small fishers are being marginalized and displaced from their earlier locations towards the southern part of the beach. Due to decrease in productivity of fisheries and uncertainty of fish catch—a result of both environmental degradation as well as the impacts of climate change, fishing in general has become unprofitable²⁸ but more so for artisanal fishers and those who own small boats. As incomes from fishing are rarely sufficient to cater to the needs of the household, “there is a widespread prevalence of indebtedness, regular mortgaging of gold and other ornaments, a diversification of activities and dependence on multiple sources of incomes at a household level” (Salagrama 2012). Despite this it is observed that many of the Kolis especially the daily and subsistence fishers continue to maintain their boats and both Kolis as well as migrant fishers are still actively engaged in ancillary occupations such as the drying or selling fish.²⁹

25 These are subsistence or daily fishers, whose boats are not registered and run on petrol instead of diesel.

26 For centuries, the coastal fish economy was sustained by artisanal fisher-folk operating small un-mechanized craft, supplying fish to inland markets. After the 1960's private limited companies began to enter the fisheries sector with the expansion of trawler fleets catching fish primarily for exports leading to significant changes in the ecology and economy of fishing and leading to an undermining of artisanal livelihoods. (Chouhan et al 2016).

27 The Kolis refer to this phenomenon as Sheticha nash or the destruction of their fields.

28 Since the 1990's households of small scale fishers in India have seen their incomes from fishing fluctuating wildly as a result of higher investments and maintenance costs in comparison to much lower returns due to fluctuating prices at auctions (Salagrama 2012)

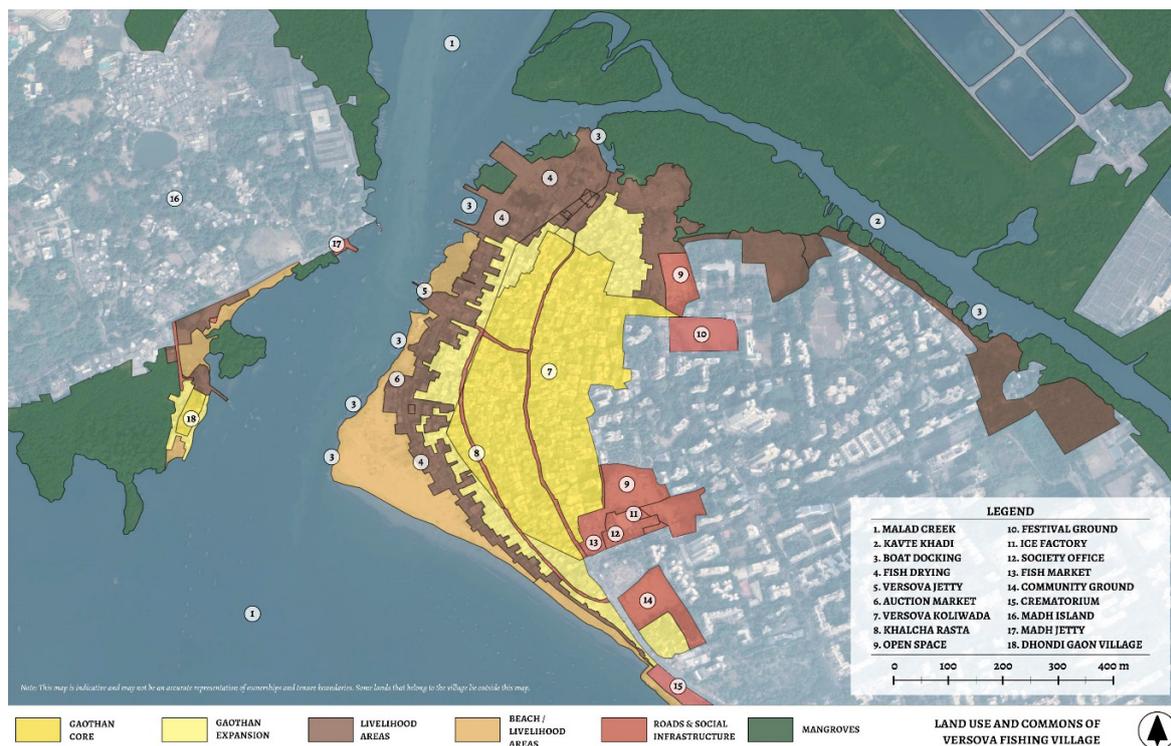
29 As per the Census conducted by CMFRI in 2010, the number of active fishers involved in fishing related activity is 317, those involved in the marketing of fish is 1095, those involved making or repairing nets is 183, the number laborers is 1358 and those involved in activities other than fishing is 26 (CMFRI 2010)

Some others have begun to abandon their boats and moved on to other occupations. Due to an overall decline in the availability of fish,³⁰

traditional forms of fishing, the nature of related activities and use of common lands by the fishers is also undergoing change.

Figure 5

Landmarks and adjacencies of Versova fishing village



Transforming livelihoods and alienation of Common Lands

Earlier the coastal commons were spread out over a much larger area along the creek and shoreline. Fishing activity along the western beachfront extended all the way up to the *Macchlimar* bus stop to the south of the village. This was across the road from an area presently known as Aram Nagar where the Kolis from Versova earlier parked their boats.

Certain members of the community also practiced traditional creek fishing in intertidal areas adjoining the estuary on the landward edge. These areas were commonly referred to as *Khuntachya jaga*. Over the years many of these common areas and village lands have been taken over by either the State or by private developers through series of enclosures. The area along the estuary (*Kavte Khadi*) on the landward edge has also been cut off from the settlement area of the village due to the development of residential or institutional buildings. A large part of the land along the creek which was earlier used for creek fishing and associated activities was acquired for the construction of the Fisheries Institute while

³⁰ Due to various factors such as pollution or the destruction of coastal resources there has been an overall decline in the fisheries sector in the region and it is often seen that only a certain percentage of the population is actually involved in fishing or fishing related activities (Chouhan et al 2016). Although fishing is no longer the primary occupation in some villages, related or ancillary activities such as the drying or selling of fish may still continue.

Source: GIS mapping based on author's surveys, overlaid on Google Earth

several other smaller portions have been taken over for the construction of apartments and bungalows. Similarly Kolis have also lost access or control over the traditional beach commons that they earlier used. The Larson and Toubro factory was constructed in the Madh island area across the creek in a place where Kolis in Versova earlier dried fish. The plot of land which now constitutes Aram Nagar was earlier used by the Kolis for parking their boats and fishing related activity was first acquired by the government for defense purposes and then taken over by MHADA for the construction of a housing scheme.³¹ A line of new apartment buildings have come up along the beachfront between Ranbadevi temple near Macchlimar bus-stop and the fishing village. This has significantly reduced access and use of the beach along this stretch, but even today the Kolis continue to use the area near the temple for the celebration of their festivals. These new developments have led to a substantial reduction of common lands under the use and control of the fisher community or available for fishing related activity. There is also a further threat of enclosure of coastal commons and mangrove ecosystems due to new infrastructure projects proposed in the proximity of the village. These include a coastal road³² and an automobile test track both of which are proposed to be constructed over the estuary and mangroves to the east of the village.

Apart from external pressures due to the enclosure of common lands, there is also pressure of development and changes in the use of common lands from within the community. Many of the dol-netters in Versova now own trawlers and are engaged in deep sea fishing, artisanal practices have declined. Today the Kolis are largely boat-owners with the actual

fishing activity out-sourced to hired labour. A large number of Koli women however still continue to be engaged in the selling of fish.³³ The destruction of coastal ecosystems has led to the lack of availability of small fish such as *bombil* fish for drying, the dol-netters no longer have use for the bamboo frames or *mandvis* on the coastal commons, some of which have been dismantled. Several other Kolis have begun to rent the *mandvis* to migrant fishers for the purpose of drying *bombil*. Two migrant communities³⁴ who have been historically involved in fishing and other related activities in the village are the Kathiawadi community from Gujarat (also known as Jaffrabadi Kolis) and the migrant community from the South Indian State of Andhra Pradesh. The migrants from Kathiawad were originally fishers and were earlier employed as labour by the Kolis to help on their boats. They would often be paid in kind (usually fish) for their labour. Many have now settled on open lands adjoining the fishing village. Some of the migrant fishers have even managed to save enough money over time to buy their own small boats. They now carry out their business independently and are often engaged in the door to door selling of fish in surrounding residential apartments. The workers from Andhra Pradesh on the other hand were apparently also brought here by the Kolis many years ago from Bhaucha Dhakka (the ferry wharf located in the island city) to help the Kolis with activities such as the cleaning and drying of small fish, unloading of fish from boats or carrying ice. These are transient or seasonal migrants who return every year and live in temporary or makeshift accommodation in the village.

31 During the Second World War, the British Government took over this area for the construction of barracks for the army. The Kolis assumed at the time that after the war the land would be returned to them. Later MHADA allotted the land to others for the construction of housing.

32 The coastal road is a mega infrastructure project proposed along the western shoreline of Mumbai. It has faced a wide range of criticism due to the serious environmental and social impacts it would have on the city and the lack of transparency during its inception and planning.

33 Traditionally a joint family system existed and often the entire Koli household was engaged in the occupation of fishing in one way or another: either in the catching, drying or processing, or selling of fish, with children often lending a helping hand. Punekar (1959) mentions that due to strong kinship relations and social bonding within the community, work was shared within the community and there was no need of hired labour.

34 The Kolis are not the only community involved in fishing in Versova and it is not unusual to find other communities – often migrants – in the village apart from the Kolis engage in fishing related or allied activities.

They have also been associated with the village for a long time. The migrant fishers procure this catch either from other active fishing villages such as Madh Koliwada or from nearby markets, use the common lands for drying it and then sell it for a small profit in Marol bazaar or other fish markets in the vicinity. The migrant labour from Andhra Pradesh apart from helping with fishing activity is also often engaged in other odd jobs in and around the village including repair and construction of houses or the laying of infrastructure.

It is thus evident that fishing is not only the domain of the Kolis, and several migrant communities have been historically associated with fishing. Secondly the decline of artisanal fishing practice and the reduction in the availability of small fish to dry have made certain coastal commons used for fish-drying redundant. These have been either rented out to the migrant fishers to continue the traditional practices or are made available for other uses such as the construction of houses or buildings. This transition has been covered in more detail in the next section, the story of land. ♦

Figure 6

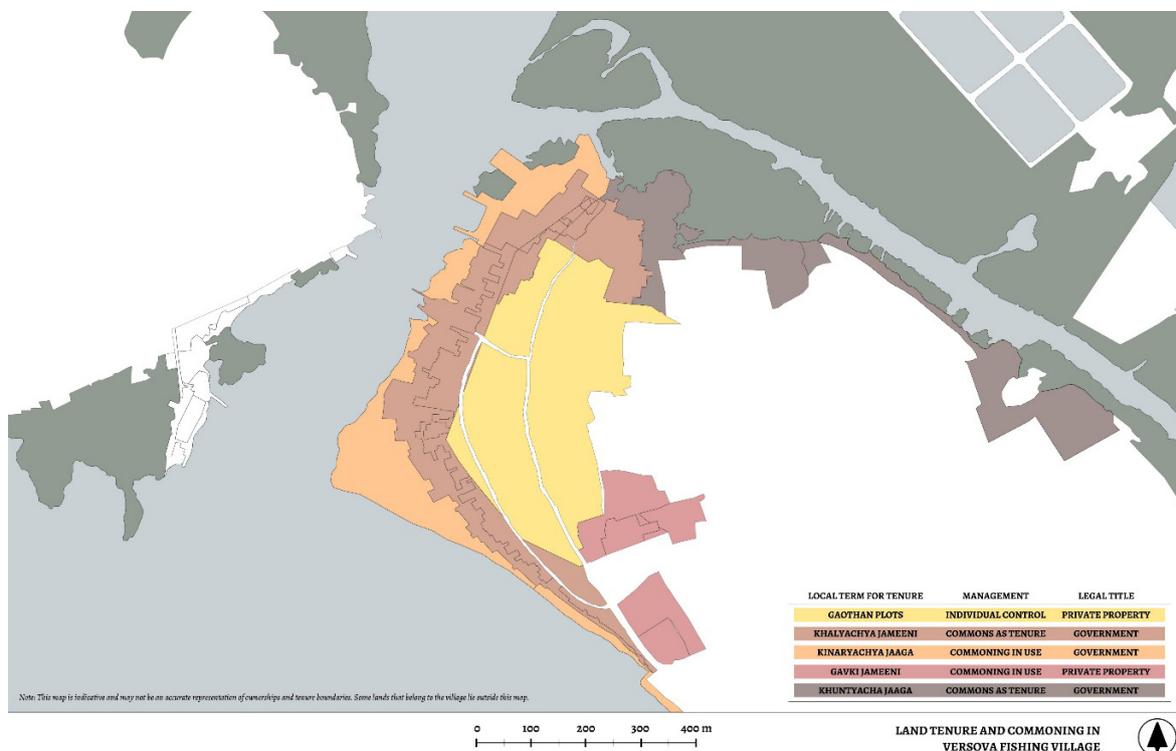
Mandavs (structures for drying fish) on the Khalyacha Jameeni (livelihood commons) in Versova fishing village



Source: Author's image

PART 8 THE STORY OF LAND: FROM COMMONING TO PRIVATE PROPERTY

Figure 7
 Land tenure and commoning in Versova fishing village



Land Tenure systems and Property Regimes in the Koliwada

Land tenure in the village varies according to community but it is also dependent on several other factors such as the location or use of land. Different kinds of land tenure systems have led to different patterns of development in various parts of the Koliwada. These range from individual property rights to customary rights which enable the use of management of coastal commons for fishing and

ancillary activities. Broadly three types of land tenure have been observed in Versova Koliwada.

The first type is the tenure of gaothan plots, located in the dense settlement area of the village and clearly identified as such in revenue records. Kolis have property cards for the individual gaothan houses or plots as a proof of tenure, the streets and community land in the gaothan is commonly controlled by the village and cannot be sold.

Source: GIS mapping based on author's surveys

The second type of tenure prevalent on agricultural lands surrounding the gaathan is one of private ownership, which includes the right of alienation. Many of these individually owned plots have therefore either been sold off or developed into apartment buildings. Towards the east and south of the gaathan there are several large plots of land, which earlier may have been used for agriculture or plantation but are now village lands (*gavki Jameeni*) registered either under the ownership of a local village Trust or the Macchimar (fishermen's) society. Lands under the control of the trust which oversees development and land related issues in the village are presently used as open spaces but also periodically used for the organization of festivals, fairs, and other village events. A part of the land which is a little away from the main residential area of the village is used as a cremation ground. The macchimar society on the other hand looks after all the fishing related issues and the lands controlled by the society are occupied by the society office, and have several other livelihood related functions such as go-downs, storage facilities and also a local fish-market which takes place near the main entrance of the village. Although these lands are privately owned by either the village trust or the fishermen's society, since they are used by the villagers for various livelihood and cultural practices they exhibit commoning in use.

The third and more precarious form of land tenure in the village are the lands traditionally used for livelihood or fishing related purposes by the community. These are referred to as the *khalyachya zameeni* in Versova and are essentially common (*sarvajanic*) lands. Some of these common lands have been subdivided and allotted to individual households within the village to store equipment or carry out fishing related activity. These are government owned lands but individuals or households have customary tenure rights over the use of these commons. Traditionally the Kolis lived in the gaathan plots and used these common lands only for livelihood related purposes. There are about seven east west *gallis* (or lanes) that

cross the village and terminate at the shore or beach area on the seaward side beyond the *khalyachya jameeni*. Here there is a large common open space adjoining the jetty where the beach or bunder is used for docking boats. A part of the foreshore area near the bunder has facilities for loading and unloading, storing and crushing ice, sheds for repairing nets and also an auction market which is held here 3-4 times a week. The beach and foreshore areas are also government owned but used for commoning activity by the community. A north-south road passing through the village known as the *khalcha rasta* (lower road) divides the older residential areas of the village from the livelihood areas. Apart from the common or *sarvajanic* lands (*khalyachya jameeni*) west of *khalcha rasta* on the seaward side of the village; there are also partly intertidal areas dedicated for creek-fishing and ancillary activities along the creek (Kavte Khadi) towards the east of the village and some towards the estuary at the southern end of Versova beach. These are under the use and control of individual households or families to whom they were allotted and referred to as *khuntachya jagaa*.

Most of the areas that constitute coastal commons customarily used for fishing related activity are undocumented or unsurveyed.³⁵ A revenue survey of the area was conducted by the Indian Government post-independence in 1960's. In this survey along with agricultural lands, the gaathan area was also surveyed and plots were provided with CTS numbers. But interestingly the CT survey map ends abruptly in a sharp line which cuts across the village (somewhat coinciding with *khalcha rasta*) This constitutes the line that separates land from water. The revenue department governs only the "land" in the city and intertidal areas beyond the high-tide line earlier came under the jurisdiction of the Bombay Port Trust. The survey therefore only mapped and demarcated plots that lay on the landward side

³⁵ This is probably due to the fact that when the British conducted revenue surveys of the city they only surveyed the agricultural lands or cultivable lands as they were mainly interested in lands from which tax could be extracted.

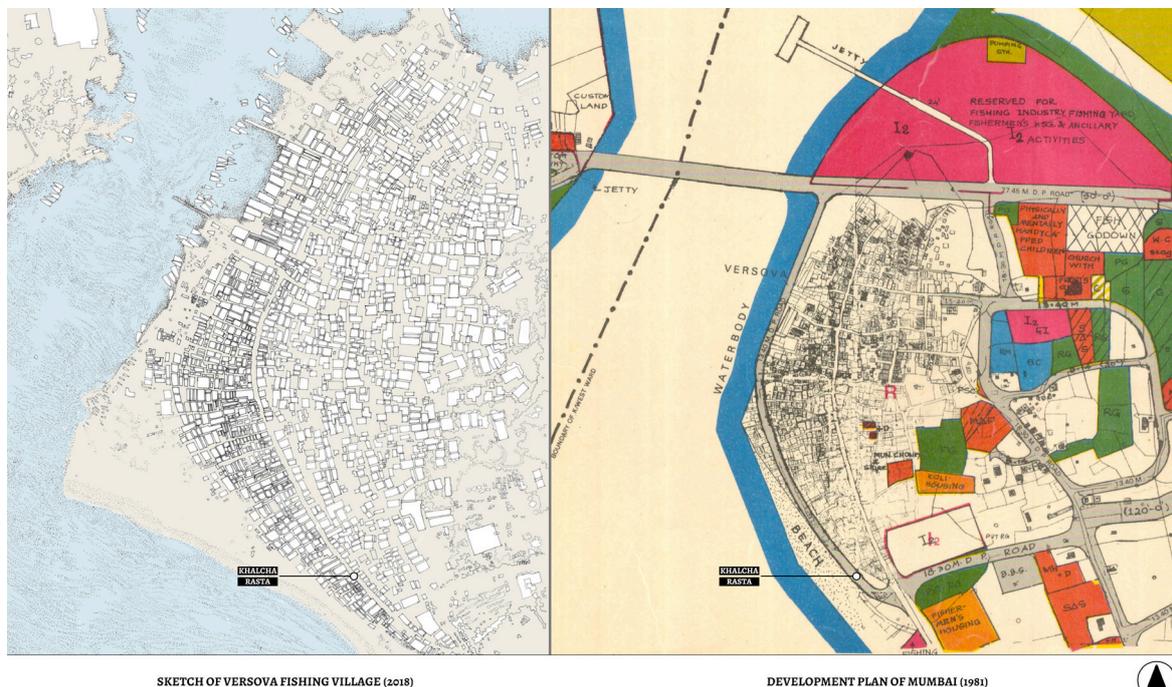
of this line leaving out the common lands that lie within the inter tidal zone. The fish-drying areas towards the seaward side had been subdivided and apportioned to villagers according to customary arrangements within the Koli community, but the fishers have no formal papers or land titles. Until a few years ago the occupants of these lands paid a nominal rent (*kutwa*) to the port trust and later to the Maritime Board. This practice has now been discontinued by the Maritime Board. Thus earlier the evidence of land occupancy rights was officially recognized though the receipt of rent from the occupants by the government. Now that rent is no longer being collected from the occupants, there is no proof of occupation and a possibility of commoners being

considered as encroachers on their lands. However in some cases, despite the fact that lands records are not clear, there are also registered transactions (in the form of notarized documents) between previous and newer occupants in cases where control of the land has been informally transferred from one individual to another.

It is thus evident that several different kinds of land tenure have historically existed in Versova Koliwada. It is essential to understand these, as in the further sections of this paper it will become evident how the nature of land tenure has a direct influence on the nature of land-use, development and transformation within the Koliwada.

Figure 8

A comparison of the existing fabric of Versova Fishing Village (left) and the Development Plan of 1981 (right). The Development Plan shows the unsurveyed areas to the west of *Khalcha Rasta* that constitute the livelihood commons of the village.



Source: left: author's sketch. Right: 1981 Development Plan of Greater Mumbai

Gaothan Expansion, and Land Transactions in the Koliwada

The built form within the Koliwada is undergoing transformation and over the years the urban village has expanded both horizontally and vertically. In the gaothan plots, almost all of the older houses were earlier ground storeyed load bearing structures having mangalore tiled sloping roofs which accommodated large joint families. Many of these older houses have now been reconstructed to G+4 to G+5 storied apartment buildings better adapted to the changing needs of occupants and to accommodate members of growing households. Although this is usually done to accommodate households within the family, in some cases, rooms or apartments have also been rented out to others. In the part of the gaothan occupied by the Muslim community, many of the new apartments have been sold.

The coastal commons on the seaward side of the village were traditionally used for various kinds of fishing related activity and included spaces for net and boat repair, fish sorting, cleaning and drying and the docking of boats. Temporary structures sheds or huts (*zopdya*) were traditionally used to store equipment. Earlier during the high tide, tidal water would come up all the way to the *khaltharasta*. This has now stopped due to the incremental expansion of village houses over the fish drying areas, through a series of small reclamations towards the creek. While some Kolis have retained their fish drying areas for fishing-related activity, others have constructed houses on them to accommodate expanding families. Due to the decline in creek fishing and availability of small fish, many of the Kolis have begun to rent out the *khali* (fish drying areas) or *mandavs* (bamboo scaffoldings) to the migrant fishers at a nominal sum of approximately 10-12000 per year. As explained earlier, this is used for drying small fish (*bombil*) which is sourced from other villages/markets thus ensuring a continuity of these ancillary activities. Others have rented out their lands for the construction of temporary accommodation for the transient

migrant workers from Southern India. These are in the form of makeshift auto-constructed tarpaulin sheds in vacant lots or sometimes even below the *mandavs* in the fish drying areas. When business is poor, rent from the migrants provides the Kolis with an additional source of income. In some cases, despite the unclear nature of tenure, Kolis have also begun to commodify the commons by informally 'selling' their *khalyachi jameen* to local developers (who often belong to the Muslim community within the village). Four to six storied apartment buildings have thus come up in these areas, and these have either been let out or sold to non-Koli residents. Thus three different kinds of transactions over common lands or fish drying areas have been observed. One is the renting out of these lands to non-Koli fishers for livelihood purposes. The second is the renting out of lands to migrant labour for the construction of makeshift shelters. The third is the informal transfer or sale of lands to small-time developers in exchange for a couple of apartments in the new building or a monetary compensation equivalent to about fifty percent of the income from sale. The reasons for the sale of common lands also vary. In some cases common lands were sold by small time or artisanal fishers in the village who could no longer sustain themselves through traditional fishing as their livelihood had been affected due to the trawlers. The sale of commons lands brought them enough money to meet household expenses and in some cases also repair or rebuild their house within the gaothan. In other cases, affluent members of the community would sell common lands that were now redundant to local developers for the construction of apartments for sale. This kind of sale of common lands for a small profit is now very common in Versova and has accelerated in the past decade. This is possibly influenced by certain rumors in the community that in the absence of legal entitlements and formal titles, the Kolis will eventually end up losing control over the lands. There is therefore an increasing trend to towards benefitting from the informal sale of these lands.

Figure 9

Commodification of Livelihood Commons in Versova



Degrees of Transgressions, Levels of Precarity and Conflicts

As per the Development Control Regulations of 1991, the FSI permitted for development within Koliwadās and gaothans in the suburbs was 1.5.³⁶ For Gaothan plots, since the buildings were not set back from adjoining streets and usually occupied the entire plot, the permissible FSI made it possible to construct only up to G+1 storey. Despite this restriction, gaothan houses were being reconstructed or redeveloped with building heights ranging from three to six storeys. An increase in the height of buildings without requisite setbacks or distances from neighboring streets and buildings had resulted in congestion in some parts of the Koliwada.

36 As per Mumbai’s local development control regulations (DCR’s) the FSI for Koliwadās and Gaothans was earlier limited to 1.5 as per the 1991 development plan. It is now permissible up to 2.0 based on road width as per the revised draft development plan (RDDP 2016).

There were problems such as inadequate light and ventilation. Expansion beyond property lines and onto adjoining streets has also resulted in a lack of sufficient space for the laying of drainage lines or for the provision of other services. These changes were also in violation of the CRZ (Coastal Regulation Zone) restrictions which had earlier capped height of buildings in Koliwadās at 9 meters.³⁷ Many of the new constructions in the Koliwada which were G+2 or above, were unauthorized as per these regulations. In the year 2007 the BMC served a notice, to the Kolis, threatening to demolish about 300 unauthorized houses in the village. The Kolis collectively resisted these demolitions by blocking the main

37 A 9 meter height restriction for buildings within Koliwadās was prescribed in the 1991 CRZ notification. The CRZ 2011 notification removed this height restriction by stating that “any development including construction and reconstruction of dwelling units within these settlements shall be undertaken in accordance with applicable as per local town and country planning regulations.”

Source: Author’s sketch.

access routes into the village which prevented the BMC vehicles from entering. Koli leaders then met with certain politicians and officials arguing that the houses presently inhabited by the indigenous Kolis (*rahati ghara*) be spared from bulldozers. These included unauthorized Koli houses in the Gaothan plots and also in the fish drying areas. On the other hand they argued the BMC could go ahead and pull down houses occupied by 'outsiders' or non-Kolis. The Kolis thus asserted their indigenous identity and claim to housing in the Koliwada to prevent legal action being taken against them for unauthorized construction.

But apart from community, land tenure was another factor which determined legitimacy, there being a direct co-relation between the nature of tenure and the level of transgression. For instance, although the new constructions on gaothan plots were unauthorized and in violation of existing building regulations, the land tenure in the gaothan was more or less secure as compared to the tenure of the common lands which also had unauthorized constructions. Houses or new constructions on the fish drying areas were perceived as illegal encroachments on government lands. These lands were considered 'untenable', there was a restriction on construction activity here and they also did not have sanctioned connections for the provision of electricity or water. This was therefore not simply a case of *building* violation but was also a *zoning* violation, on land they did not own. Most of the common lands lay in the intertidal zone and were previously under the jurisdiction of the Bombay Port Trust. The jurisdiction of these lands had subsequently been transferred to the Maritime Board. More recently some of these lands had been leased by the Maritime Board to the Revenue Department. About 8 years ago the Maritime board had also stopped collecting rent (*kutwa*) from the occupants of these lands. This generated some amount of apprehension amongst the occupants as the rent receipts given out by the Board were also an acknowledgment of their use

of the commons. According to them the Board had now started claiming that it was the owner of the land undermining their rights to use or develop them.³⁸ The revenue department had also begun to label new building constructions on these lands as 'encroachments' on government land. Numerous notices have been served by the department to the 'owners' or occupants to vacate or demolish unauthorized structures in these areas. Yet these repeated threats of demolition from government authorities, were not so effective in curbing, illegitimate transfer or sale of lands or in preventing unauthorized construction over the commons. According to a local resident, despite the repeated notices issued by government authorities, in practice the State was actually allowing informal sale and constructions within these areas to continue. She explained that local builders or developers usually had a prior "setting" (arrangement) with BMC officials who often only made a pretense of demolition (by periodically carrying out partial demolitions i.e. making a puncture in the external facade of the building) but never pulled down entire floors. The damage incurred to the building was usually patched up soon after.

Another interesting aspect was the attitude of the state toward the different kinds of transgressions or deviations from regulations. This will become clear from the following example. In recent years there have been several complaints from middle class residents living in apartment buildings around the Koliwada regarding the unauthorized constructions and the misuse of Government Land by the Koli community. There were allegations made that these areas were being used for all kinds of illegal and dangerous activities. The letter probably implied the newly constructed apartment buildings on fish drying lands which had been rented out to people outside the Koliwada. But on receipt of this complaint, rather than taking action against the developers who had flouted norms to construct

³⁸ MTDC has also proposed many facilities for tourism and beautification projects on these lands with the support of the Maritime Board.

high-rise apartments on common lands, the MCGM instead issued an eviction notice against transient migrants who were staying in makeshift tarpaulin shelters below the *mandavs* or bamboo scaffolding and in vacant plots adjoining them. In this case the Kolis were landlords and had rented out these areas to the migrants for temporary accommodation. They therefore spoke in defense of the “encroachers” arguing that they were the labour employed by them to work on their boats and assist them in fishing related activity. This was done to justify the presence of temporary shelters which accommodated them on fish drying areas which were essentially lands reserved for livelihood purposes in the development plan.³⁹ In order to justify or legitimize their presence on the commons and prevent their eviction, the Kolis had to emphasize their involvement as labour in fishing related activity. This was also a deviation from the commonly held assumption of a conflictual relationship between the indigenous Koli and the migrant settler. In this case the Kolis were clearly benefiting from the easy availability of cheap labor and the rental arrangement which the eviction would have adversely affected. Besides this they also did not feel threatened by this relatively precarious migrant community.

However it was observed that the perception of the Kolis towards the migrant or 'outsider' was not always so favorable. In another part of the same village, some migrant fishers belonging to Kathiawadi community, had settled on *gavki* (village) lands under the control of the village Trust. Unlike the South Indian migrants the Kathiawadi migrants were actually fishers who had worked as labor on their boats for many years. Years ago a few migrant families had been permitted by the Kolis to occupy a part of the village land. Over time the settlement had grown in size and the migrant community had now developed its own claims to

the land. Having lived here long enough also made them fit the eligibility criteria for rehabilitation under the Slum Rehabilitation scheme.⁴⁰ They were therefore perceived as a threat and in this case there was clearly a conflictual relation between the Koli community and the migrant fishers. The village trust which owned this land and was comprised only of Kolis now seemed to have lost access to these lands and the only way in which at least a part of the land could be reclaimed was by capitalizing on its value. The trust had therefore negotiated with a developer to facilitate the redevelopment of the land (including the informal settlement of the kathiawadi migrants as well as the open space adjacent to it) under the SRA scheme where the Kolis would get a fifty percent share from the sale. As per this proposal the migrants would be rehabilitated in highrise apartments on a part of the land and the remaining part would be used for constructing apartments for sale, 1000 sq. ft. apartments for the Kolis, and a marriage hall along with other facilities. Although the Kathiawadi (Jaffrabadi) Kolis still played an important role in the fishing economy, the Kolis were now apprehensive and insisted upon an eleven month agreement before entering into any kind of land related arrangement with this community. There have been several protests against the sale of *gavki* lands, especially by women fishworker's organisations within the community.

Apart from the South Indian migrants and fisher community from Kathiawad there were a range of other migrants or “outsiders” who had either bought or rented out flats in multistory apartments built by the developers on the un-surveyed *khalyachya jameeni*. They belonged to various backgrounds, ethnicities and occupations, and included Africans,

³⁹ Fish drying areas in Versova and other fishing villages in the city have been shown as 'areas reserved for Primary Activities' in the Revised Draft Development Plan (RDDP 2016).

⁴⁰ The state government decided that in order to stop all further 'encroachments' only those slums and slum dwellers included in the enumeration by the 1976 Census would be considered eligible for government schemes. This was the first time the concept of a 'cut-off date' was introduced. A cut-off date that becomes the basis for determining eligibility of a beneficiary under a slum rehabilitation / improvement scheme if the beneficiary can "prove" that she/he has been a resident of that settlement before the cut-off date, she/he has the relevant entitlements under the scheme (Indorewala et al, forthcoming)

Tibetans, people from North East India and people who were predominantly associated with the film industry. Similar to the middle class residents who had filed a complaint against encroachments and undesirable activities in these areas, some of the older Koli residents in the Koliwada were also displeased about the ‘illicit’ behavior in and around these redeveloped buildings and on the beach and foreshore areas every night. This according to them involved drinking, drugs and prostitution. In this case their apprehension was rooted not only in the fear of the “outsider” but also the presence of activities that were considered to be ‘immoral.’ According to them this had affected the sense of community and cohesiveness within the Koliwada, making parts of it isolated, dangerous and prone to undesirable or criminal activity. On the other hand, active fishers from the Koliwada who were still using the commons for fishing related activity; were concerned that land reserved for fishing activities or for the use of the Koli community was now being used for other purposes. This according to them had caused a further shrinking of spaces available for fishing related activity on areas reserved for primary activities in the Development plan. Besides this the 2011 CRZ Notification had identified Koliwadadas in Mumbai as CRZ III areas and called for the demarcation of Koliwadadas as well as areas reserved for fishing and ancillary activities.⁴¹ Some of the Kolis who still engaged in fishing activity within the village feared that if either the ethnicity or occupation of the new inhabitants was taken as a criteria for the boundary demarcation of Koliwadadas⁴² it would delegitimize their own claims to the land and make their situation even more precarious.

41 The CRZ 2011 Notification states that, “Koliwadadas namely Fishing settlement areas, as identified in the development plan of 1981 or relevant records of the government of Maharashtra shall be mapped and declared as CRZ III so that any development including construction and reconstruction of dwelling units within these settlements shall be undertaken in accordance with applicable as per local town and country planning regulations.”

42 Towards the implementation of the CRZ 2011 Notification, a Committee had been constituted under the State Government to carry out the boundary demarcation of Koliwadadas which also involved setting up of criteria for demarcation of Koliwadadas. The process of demarcation of Koliwadadas had still not taken place and Kolis across the city are demanding the demarcation of Koliwadadas in order to protect their claims to land.

Thus it is seen that within what forms a larger domain of the Koliwada there is a complex range of conditions of informality/ illegality that exist, each implying a different level of precarity. For instance, if one were to consider the height restriction which had been imposed by the CRZ and local development control regulations, all the buildings which have occupied an FSI higher than 1.0 or exceed 9 meters in height would be considered as unauthorized. But such new buildings located on gaathan plots have clear titles or a secure tenure, as compared with those on the un-surveyed common lands where these are considered to be “illegal” or “encroachments” (as they also are an unauthorized occupation of land or violate zoning laws). Amongst these the ones built by Kolis or where Kolis themselves reside have more protection than those constructed by “outsiders.” Furthermore in response to the complaint from middle class residents against the construction of apartments by developers, the BMC evicted transient migrants who lived in makeshift shelters. This was probably due to the fact that these appeared or looked more “slum like” as opposed to formal apartment buildings which were also unauthorized. The term encroachment essentially means someone occupying someone else's property. In the case of the Koliwadadas, this notion becomes complicated since migrant dwellers have often settled on lands which had more traditional forms of tenure arrangements based on informal agreements with the owners or communities who traditionally used or managed those lands. It is thus seen that from the perspective of the formal development regime there are a whole range of deviations or transgressions from development/ zoning or environmental norms, but while some transgressions are overlooked by the State others are not permitted.

Ghertner (2012) speaks of how the notion of “nuisance as aesthetic confirms the unsightliness of poverty”, re-casting slums as polluting and illegal because they *look* polluting and illegal.” Demolitions therefore come to be popularly read as

a form of environmental improvement (Ghertner 2012) “a positive form of violence” seen as necessary to clean and green the city. The demolitions therefore align with the interests of a larger coalition of residents’ welfare associations, NGOs citizens, local politicians and lawyers who are striving towards achieving the Versova beach beautification project as part of the *Swatch Bharat Abhiyaan*.⁴³ It is thus evident that due to micro-spatial transformation and local dynamics that play out within informal settlements, different kinds of informality are perceived differently by communities, interest groups and also the state. On the other hand some unauthorized/illegal constructions which might either be a violation of development controls, zoning norms or do not have legally recognized land titles are still considered as “legitimate” as they enjoy either a de facto or de jure security of tenure (Bhan, 2016). It can therefore be concluded that vulnerability is contingent upon a whole range of factors starting from occupation, ethnicity to land tenure. Vulnerability also seems to be strongly linked to a range of factors within the nature of land tenure itself which involve rights to access, use or extract resources, manage or transform and the right to exclude others but may not involve the right to alienation of land. Informal development over the commons and expansion of villages over common lands has therefore been accompanied by the demand for regularization of unauthorized structures along with land titling which is now aggressively being advocated by several politicians and Koli organizations in the city.⁴⁴ For instance some of the trust members of Versova Koliwada who are not active fishers, have surveyed the land parcels (subdivisions) on the common lands and have been attempting to get individual

property rights for the occupants. Similarly there are attempts by the Kolis who have customary rights over the *khuntachya jaaga* towards the creeks to have these demarcated as part of the boundary of the Koliwada, to regularize informal and unauthorized developments on these lands. The reason they want these lands demarcated as they have been historically under threat of enclosure from developers and the government for building institutions, residential colonies, infrastructure projects, parks gardens and amenities.

In 2001, a protection wall was constructed in the intertidal zone on the beach to prevent the new constructions and buildings on the *khalyachya jameeni* from being washed away by erosion due to tidal action. This wall thus consolidated informal reclamation activities that had been taken place over time, thus carving out new land from the sea. As the existing *khalyachya jameeni* get built upon, new mandavs keep cropping up on the beach beyond the protection wall and slowly inching towards the sea. This portion of the beach or shore is also a livelihood common, which has uses like the auction market, net repair and mending areas, etc. The natural slope of the beach on the southern portion of this stretch has been traditionally used by small daily fishers (gill netters) to park their small boats. Now *Mandals*⁴⁵, or institutions that control each of the 7 *gallis* in the Koliwada are attempting to take control of the common beach-space in front of their *galli* by not letting the gill netters, park their small boats there. With the new stone *bunder* being extended southwards to benefit the more affluent dol-netters and the trawler owners, the small fishers can no longer access this part of the protected beach to anchor their boats. They are being pushed further towards the water edge and towards the southern part of the beach. Here the direction and profile of the beach changes and is directly exposed to strong sea currents during stormy weather.

43 Swachh Bharat Abhiyan (SBA) (Swachh Bharat Mission (SBM) under the ministry of housing and Urban affairs, is a campaign that aims to clean up the streets, roads and infrastructure of India's cities, smaller towns, and rural areas.

44 They argued that the expansion of Koli houses into the un-surveyed common lands, needed to be considered as a natural expansion of the gaathan on account of lack of space for growing families. Referring to the gaathan expansion scheme in rural areas they demanded that the houses built by the Kolis for their own families be regularized and the “outer” boundary of the Koliwada demarcated.

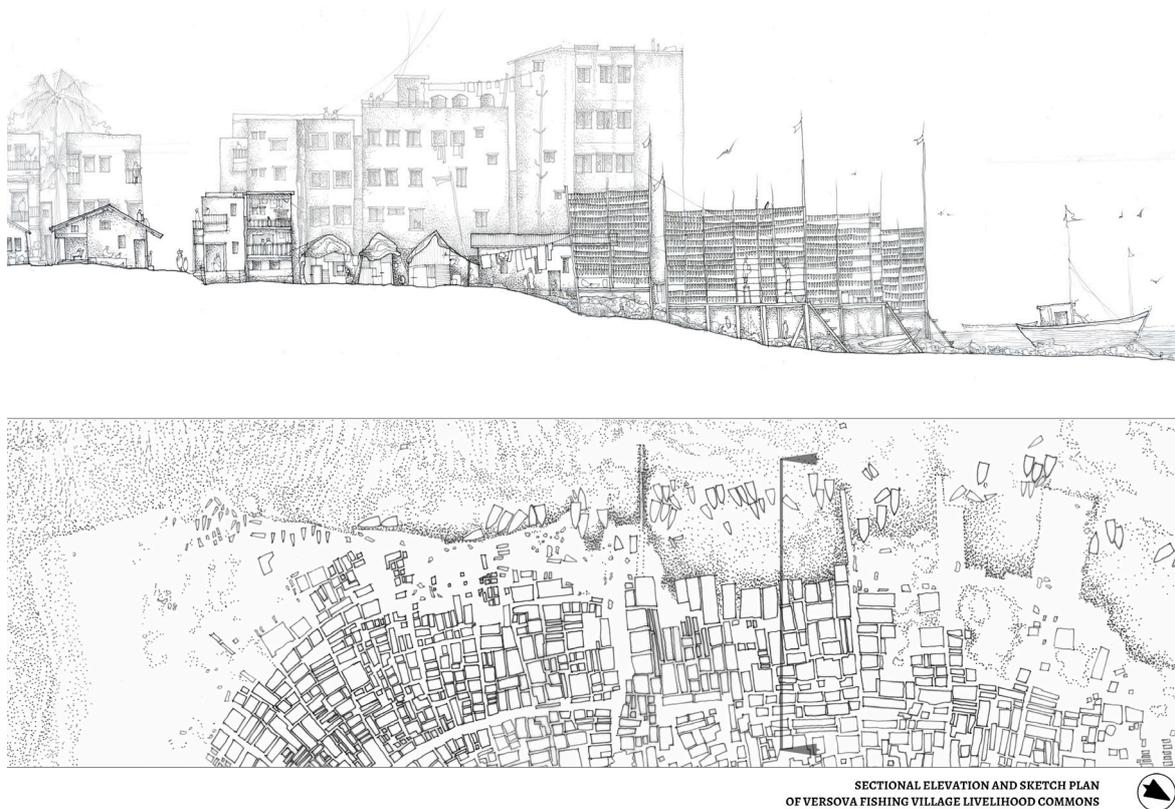
45 Temple trust which controls each *galli* within the Koliwada.

There is a danger of their boats being overturned and washed away especially during the monsoons. Due to the process of livelihood change and subsequent land development and transformation of the commons in the Koliwada, this community of artisanal fishers has been pushed to the margins. ♦

PART 9 COMMODIFICATION AND CONFLICT OVER THE COMMONS

Figure 10

Sectional Elevation and Sketch Plan of Versova Fishing Village Livelihood Commons



The objective of this study was to understand the factors responsible for the commodification of common lands in Mumbai's fishing villages, with a particular focus on enclosure from below. The methodology adopted involved a detailed study of Versova Koliwada with a historical understanding of the way in which these processes have come about. Taking land as a starting point or lens to understand

conflict, I have attempted to illustrate how different kinds of claims and contestations emerge and how these play out through mobilizing ethnic identities, livelihood requirements or housing rights. I argue here that community conflicts that assume ethnic and identitarian forms often have their roots in the claims to and control over land. I do so by drawing attention to the intra-community dynamics and

Source: Author's sketch.

occupational and class based differences which have not been sufficiently emphasized in studies of urban villages in Mumbai – and require a fine grained analysis of how conflicts over land emerge and get played out in situations where different factors such as tenure security, ethnicity and occupation intersect in transforming traditional settlements. For example, while practicing fishers defend their traditional rights to the commons, non-fishing Kolis refer to their indigeneity ('sons of the soil') in order to make claims on land by demanding individual property rights – a transformation of tenure that can facilitate commodification/monetization of high-value urban land. Migrant fishers on the other hand, especially ones that are entitled to housing through the slum rehabilitation scheme, demand formal housing through in-situ rehabilitation. Finally the transient migrants from Andhra Pradesh who are also tenants on Koli lands, who fall outside the slum rehabilitation scheme datelines, have no entitlements to formal housing, and are most vulnerable to redevelopment and eviction. The relationship between the Kolis and different migrant communities within the village is hence mediated through land – and therefore while Kolis tend to provide a paternalistic protection to transient migrants who offer them labour and rent, they demand their traditional rights vis-a-vis older migrants who have settled and developed their own claims to land for formal housing.

It is important to note here that while certain migrant communities have housing rights or entitlements under the Slum Rehabilitation Scheme, the CRZ acknowledges and protects the coastal commons but does not provide the Kolis with housing or development rights. The CRZ permits upkeep and up-gradation of residential areas. The Kolis as indigenous inhabitants often employ the notion of historical injustice and customary rights to resist state schemes and market actors. However, the precarious nature of land tenure has also led to uncertainty and apprehension with respect to the commons and encouraged them to enter into

informal land based transactions. The application of intensive fishing practices and shift from artisanal fishing practices, and competition for dwindling catch has led to the erosion of traditional governing systems, fissures in the traditional bonds and kinship ties characterizing intra-and inter village relationships (Salagrama 2010). With the marginalization of small and mid-sized boat fishing, and with the consolidation of a non-fishing Koli elite, the right to customary commons is increasingly being reframed as the right to monetize the customary commons and regularize its piecemeal enclosure. The decline in fishing occupation and the highly lucrative possibility of developing prime urban land has thus resulted in various forms of commodification - localized community-level efforts to enclose common lands and transform them into private property. However, these local efforts are linked to larger structural dynamics that involve large trawlers, real estate business and macro-economic shifts due to which communities are experiencing significant livelihood shifts and changes in terms of needs and aspirations.

Commodification is a concept which has been widely analyzed in the literature for neoliberal urbanization and is usually referred to as the process, through which land is increasingly treated by the state and corporate actors primarily as an object of exchange and accumulation, rather than everyday use (Shatkin 2017). In this paper I point out that in the case of Versova and several other fishing villages in Mumbai, apart from the enclosures that are an outcome of state coercion one also sees a slow process of enclosure from below, by members of the Koli community who were once themselves commoners, but have now assumed new identities as boat owners, landlords or real-estate brokers. Artisanal fishers who still rely on these commons for livelihood activities are opposing or resisting these attempts, but are marginalized and suppressed by more dominant or influential actors within the community.

Some are even arguing for measures to preserve and protect common lands as commons, for use for livelihood related activity in order to retain the identity of the fishing village.⁴⁶ For them, boundary demarcation and classification of the Koliwada as CRZ III in accordance with the CRZ 2011 Notification is therefore critical. These form the fault-lines between various community groups and factions within Versova village as well as some of the fishing villages in Mumbai, in the struggle to determine the future of the city's coastal commons. ♦

46 “Coastal degradation juxtaposed with new forms of “class conflict” between artisanal fish workers on the one hand and elites, or real estate players, and commercial trawlers, on the other, have marginalized sustainable livelihoods, which also contribute to coastal ecosystem maintenance and providing ecosystem services to the city and its regions. (Chouhan et al, 2016).

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